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December 6, 2024

VIA ECF

The Honorable Valerie Figueredo
United States Magistrate Judge
United States District Court for the Southern District of New York
500 Pearl Street, New York, NY 10007

Re: Harrington Global Opportunity Fund, Ltd. v. BofA Securities, Inc., No. 21-CV-761

Dear Judge Figueredo:

We write on behalf of Plaintiff Harrington Global Opportunity Fund, Limited (“Harrington”) in the above-captioned matter. Pursuant to (i) Rule 21.7 of the Electronic Case Filing Rules & Instructions for the United States District Court, Southern District of New York; (ii) Your Honor’s Individual Practices in Civil Cases Section I(g); and (iii) the Protective Order, ECF No. 111, we write to request approval to file under seal, and publicly redacted, a certain portion of the memorandum of law that Harrington previously filed at ECF No. 442 seeking reconsideration of the Court’s November 25, 2024 Opinion and Order at ECF No. 439.

The memorandum of law contains a reference to the number of spoofing episodes that Harrington’s expert Dr. Brogaard found the Merrill Defendants to have participated in.

The Protective Order provides that the parties “may designate as confidential for protection under this Protective Order, in whole or in part, any document, information, or material that constitutes or includes, in whole or in part, confidential or proprietary information or trade secrets of the Party or a Third Party to whom the Party reasonably and in good faith believes it owes an obligation of confidentiality with respect to such document, information, or material.” The Merrill Defendants designated the number of spoofing episodes found by Dr. Brogaard as Confidential. Thus, Harrington seeks to file under seal that reference to Dr. Brogaard’s expert report.

Harrington takes no position as to the appropriateness of Merrill’s designation of the number of spoofing episodes as Confidential and reserves the right to challenge it in the future.

Pursuant to Your Honor’s Individual Practices in Civil Cases, Harrington is publicly re-filing its memorandum of law with the proposed redactions.

Finally, the below Appendix lists the parties and their counsel of record who should have access to the sealed documents.

Warshaw Burstein, LLP

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Respectfully submitted,

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MEMO ENDORSED



HON. VALERIE FIGUEREDO
UNITED STATES MAGISTRATE JUDGE

Dated: 12/9/24

The motion to permanently seal ECF No. 442 is GRANTED for the same reasons the Order at ECF No. 439 is sealed: because ECF No. 442 contains unadjudicated allegations of wrongdoing against a third party. See In re B & C KB Holding GmbH, 22-mc-180 (LAK) (VF), 2023 WL 2021299, at *1 (S.D.N.Y. Feb. 14, 2023). A redacted version of ECF No. 442 is available at ECF No. 450. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 449.

cc: All counsel via ECF